

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 5, 2004

H025709 CHAVEZ, et al. on Habeas Corpus

The order of the superior court granting petitioners' petitions for habeas corpus is affirmed. (published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed January 5, 2004

TUESDAY, JANUARY 6, 2004

H024973 PEOPLE v. DAVID J.

The judgment of wardship is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed January 6, 2004

H024606 PEOPLE v. RAMIREZ

The judgment is reversed. The case is remanded for resentencing. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed January 6, 2004

H024137 PEOPLE v. WILRIDGE

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: January 6, 2004  
\*Before Rushing, P.J., Wunderlich, J. and Mihara, J.

H025436 PEOPLE v. GUADALUPE CRUZ DIAZ

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: January 6, 2004  
\*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H023576 PEOPLE v. GABOT

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (not published)  
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)  
Filed January 6, 2004

Sixth Appellate District

San Jose, California

WEDNESDAY, JANUARY 7, 2004

MISC. ORDER 95-2 (amended 1/1/04)

IT IS HEREBY ORDERED that all briefs filed in compliance with California Rules of Court, rules 15 & 36 shall not incorporate any additional material as part of the brief other than that specified by rule 14(d). Documents not a part of the record on appeal may be submitted to the court with the appropriate motion (California Rules of Court, rules 41 and 22).  
Dated January 7, 2004 Rushing, P.J.

THURSDAY, JANUARY 8, 2004

H025499 FULKERSON v. COUNTY OF SANTA CRUZ, et al.  
By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: January 8, 2004  
\*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H025773 PEOPLE v. RODRIGUEZ

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed January 8, 2004

H025983 In re S.R.; DFCS v. LISA I.

The order of the juvenile court terminating parental rights is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed January 8, 2004

H025313 BILODEAU v. RUDO

The judgment is affirmed. Appellant shall bear costs on appeal. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed January 8, 2004

Sixth Appellate District

San Jose, California

Thursday, January 8, 2004 (continued)

IN THE MATTER OF THE SELECTION OF AN ASSOCIATE JUSTICE TO ACT AS  
PRESIDING JUSTICE  
BY THE COURT

Pursuant to the provisions of Article VI, Section 3 of the Constitution of the State of California and California Rules of Court, rule 75, I hereby select Associate Justice Eugene M. Premo as Acting Presiding Justice to perform all of the functions of Presiding Justice of the Sixth Appellate District when I am absent or unable to act, and in the event we are both absent or unable to act, I hereby select Associate Justice Franklin D. Elia as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Patricia Bamattre-Manoukian as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice William M. Wunderlich as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Nathan D. Mihara as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Richard J. McAdams as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District.

Dated January 8, 2004

RUSHING, P.J.

Sixth Appellate District

San Jose, California

FRIDAY, JANUARY 9, 2004

H020771 MEJIA v. REED, et al.

We reverse the judgment. We remand the matter to the trial court with instructions to (1) vacate the stipulation and order for entry of judgment, which was entered on September 16, 1999; (2) vacate its order granting Husband's motion for summary judgment, which was entered on July 30, 1999; (3) enter an order in Husband's favor summarily adjudicating Plaintiff's claim of constructive fraud; and (4) conduct further proceedings as necessary to resolve Plaintiff's remaining claims. Each party shall bear its own costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 9, 2004

H021239 KAHN v. EAST SIDE UNION HIGH SCHOOL DISTRICT, et al.

Consistent with Supreme Court's directions, we reverse the judgment and remand the matter to the trial court with instructions to (1) vacate the judgment in defendant's favor, which was entered on January 24, 2000; (2) enter an order in defendant's favor summarily adjudicating plaintiff's claim for premises liability; and (3) conduct further proceedings as necessary to resolve plaintiff's remaining negligence claim. Plaintiff shall have costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 9, 2004

H020743 PEOPLE v. FRYMAN

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 9, 2004

H025521 PEOPLE v. DALEY

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed January 9, 2004

Sixth Appellate District

San Jose, California

Friday, January 9, 2004 (continued)

H025674 PEOPLE v. SAUNDERS

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,  
Mihara, J.)

Filed January 9, 2004